

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 292, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, delete lines 6 through 42.
- 2 Page 4, delete lines 1 through 41.
- 3 Page 12, line 7, strike "before the deadline".
- 4 Page 12, strike line 8.
- 5 Page 12, line 9, strike "6 of this chapter".
- 6 Page 12, line 10, reset in roman "not less than forty-eight (48) hours
- 7 before an election."
- 8 Page 16, delete lines 11 through 42.
- 9 Page 17, delete line 1.
- 10 Page 24, line 31, strike "large or".
- 11 Page 28, between lines 30 and 31, begin a new paragraph and insert:
- 12 "SECTION 36. IC 3-11-17-1.5 IS ADDED TO THE INDIANA
- 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter,**
- 15 **"election" means the period that begins on the earlier of:**
- 16 **(1) the day a voting system is prepared to receive absentee**
- 17 **ballots to be cast on election day; or**
- 18 **(2) the day a candidate is listed on a ballot to be cast on**
- 19 **election day;**
- 20 **and ends on the day a recount or contest following election day is**
- 21 **completed.**

SECTION 37. IC 3-11-17-3, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** If the secretary of state determines that a vendor is subject to a civil penalty under section 2 of this chapter, the secretary of state may assess a civil penalty. The civil penalty assessed under this section may not exceed three hundred thousand dollars (\$300,000), plus any investigative costs incurred and documented by the secretary of state.

(b) In computing the maximum civil penalty that may be assessed under subsection (a), if a violation occurs in more than one (1) county, the violation is considered a separate violation in each county in which the violation occurs.

SECTION 38. IC 3-11-17-4, AS ADDED BY P.L.221-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The secretary of state is **not** subject to IC 4-21.5 in imposing a civil penalty under this chapter."

Page 29, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 40. IC 3-11-17.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 17.5. Audits to Determine Compliance With Federal and State Election Record Retention Requirements

Sec. 1. Beginning January 1, 2008, the secretary of state shall conduct audits of the status of precinct election material retained by a circuit court clerk under IC 3-10-1-31 and IC 3-10-1-31.1.

Sec. 2. The secretary of state shall determine whether the precinct election material has been preserved in compliance with 42 U.S.C. 1974 and this title.

Sec. 3. Not later than the first Monday of June each year, the secretary of state shall randomly select one percent (1%) of all precincts in Indiana to be audited under this chapter.

Sec. 4. If the secretary of state determines that precinct election material is not being preserved in compliance with 42 U.S.C. 1974 and this title, the secretary of state shall provide a written report describing the noncompliance to the county election board of the county that is responsible for the precinct election material.

SECTION 41. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

1 (b) ~~A vote center may not be used~~ In a municipal primary or
 2 municipal election conducted within a municipality that is partially
 3 located in a county that has ~~not~~ been designated a vote center pilot
 4 county, **a vote center may not be used by a voter who does not**
 5 **reside within that part of the municipality that is located in the**
 6 **county that has been designated a vote center pilot county."**

7 Page 36, between lines 21 and 22, begin a new paragraph and insert:
 8 "SECTION 55. [EFFECTIVE UPON PASSAGE] (a)
 9 **IC 3-11-17-1.5, as added by this act, and IC 3-11-17-3 and**
 10 **IC 3-11-17-4, both as amended by this act, apply to a violation that**
 11 **occurs after June 30, 2007.**

12 **(b) This SECTION expires July 1, 2012."**

13 Renumber all SECTIONS consecutively.
 (Reference is to SB 292 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 5, Nays 2.

Senator Lawson C, Chairperson